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*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to
Federal Agencies

March 29, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 3728

Re: U.S. Utility Patent Application
Application No. 10/696,555; Filed: October 30, 2003
For: **Sole for Increased Circulation**
Inventor: Ian Burgess
Our Ref: 2073.0120000/DSC/RLP

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 (2 sheets) citing references: AA1-AK1, AR1-AT1, AR2 and AS2;
3. Copies of cited documents: AR1-AT1, AR2 and AS2; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Rae Lynn Prengaman
Attorney for Applicant
Registration No. 53,482



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian Burgess

Appl. No.: 10/696,555

Filed: October 30, 2003

For: **Sole for Increased Circulation**

Confirmation No.: 5931

Art Unit: 3728

Examiner: To be assigned

Atty. Docket: 2073.0120000/DSC/RLP

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

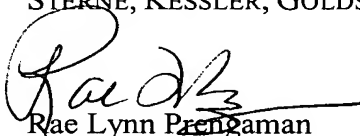
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. Copies of the documents AR1 - AT1 and AR2 - AS2 are submitted herewith.
- ☒ 8. Copies of documents AA1 - AK1 are not provided herewith, since this application was filed after June 30, 2003 and each reference is a U.S. Patent document, in accordance with the PTO Notice 1276 Off. Gaz. Pat. Off. 55, published August 5, 2003.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Rae Lynn Prengaman", written over a horizontal line.

Rae Lynn Prengaman
Attorney for Applicant
Registration No. 53,482

Date: 03/29/04

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

2073.0120000/DSC/RLP

APPLICATION NO.

10/696,555

FIRST NAMED INVENTOR

Ian Burgess

FILING DATE

October 30, 2003

ART UNIT

5931

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	614,688	11/1898	Barber			
	AB1	2,082,537	6/1/1937	Butler			
	AC1	3,010,229	11/28/1961	Snitzer			
	AD1	4,439,937	4/3/1984	Daswick			
	AE1	4,815,221	3/28/1989	Diaz			
	AF1	5,255,451	10/26/1993	Tong et al.			
	AG1	5,367,791	11/29/1997	Gross et al.			
	AH1	5,473,827	12/12/1995	Barre et al.			
	AI1	5,699,627	12/23/1997	Castro			
	AJ1	5,720,118	2/24/1998	Mayer et al.			
	AK1	6,090,013	7/18/2000	Eschenbach			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	S. Wallenfels, "Innovation Machine," <u>Club Business International Magazine</u> , pp. 72, 73, 75 and 77 (October 2000).
AS	1	S.W., "A New Category is born: The Elliptical Motion Machine," <u>Club Business International Magazine</u> , p. 78 (October 2000).
AT	1	"Elliptical Innovators," <u>Club Business International Magazine</u> , pp. 80 and 83 (October 2000).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
OIPE	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	Reprint of H. Asai, et al., "A Study of the Effect of Heelless shoes on the Plantar Peripheral Circulation Based on the Thermogram," <u>Memoirs of Osaka Kyoiku University Ser. III</u> , Vol. 44, No. 2, pp 237-250 (February 1996) from internet site http://www.i-rok.com/articles/6article.htm (June 15, 2003).
	AS	<u>2</u>	Reprint of M. Besser, et al., "Treadmill v. Overground Walking: A Comparison of Plantar Pressures," Human Performance Laboratory, Department of Physical Therapy, Thomas Jefferson University, Philadelphia, PA (date unknown).
	AT	<u>2</u>	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.